

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

MELISSA AMEN, Individually)	
and on behalf of her minor)	
child, K.L.A.,)	
)	
Plaintiff,)	4:10CV3216
)	
v.)	
)	
MICHAEL J. ASTRUE,)	ORDER
Commissioner of the Social)	
Security Administration,)	
)	
Defendant.)	
_____)	

This matter is before the Court on plaintiff's suggestion (Filing No. [24](#), at 2) and defendant's suggestion (Filing No. [22](#), at 21) that the Court certify a question of state law to the Nebraska Supreme Court. The Court understands this question to involve the status of a posthumously conceived child pursuant to the intestacy laws of the state of Nebraska, Nebraska Revised Statute § 30-2308, on the one hand, and Nebraska Revised Statute §§ 30-2303(1), 30-2209(23), and 30-2309(2)(ii) on the other. The Court finds the question should be certified. Accordingly,

IT IS ORDERED:

1) Counsel for the parties shall confer to determine whether agreement can be reached among them on the wording of a question to be certified to the Nebraska Supreme Court to determine the status of a posthumously conceived child pursuant

to Nebraska intestacy laws. The parties shall have until November 4, 2011, to furnish the Court with their joint, or separate, proposals for the question to be certified; and

2) The parties shall also draft a joint statement of undisputed facts regarding the case. The parties shall have until November 4, 2011, to furnish the Court with their statement of undisputed facts to accompany the certified question to the Nebraska Supreme Court.

DATED this 28th day of October, 2011.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court